



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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February 1, 1995

Mr. Kevin Dilley
2014 West 4700 South Apt. #1
Roy, Utah 84067

RE: Complaint regarding mining operations in 5-Mile Pass area.

The Utah Division of Parks and Recreation (UDPR) forwarded the letter you wrote them in September of 1994 regarding your concerns of open pits from mining activities to us on January 25, 1995. Regardless of any response you may have received from UDPR, a response from this Division is warranted due to our mission in regulating the mining industry.

Utah mining law and regulations require mining companies "...to minimize hazards to the public safety and welfare by posting warning signs in locations where public access to operations is readily available and construct berms or other barriers around highwalls or excavations when required by the Division."

The Division has a permitted mining operation in the general location described in your letter. I conducted a cursory review of the mining plan for the area and found that the operator has committed to construct safety berms and install warning signs around their active mine pits. Last summer one of our inspectors was at the site and had noticed some signs and berms. The operator has been contacted (February 1, 1995) regarding their commitment to public safety. The company representative indicated that sign vandalism was a major problem with signs being destroyed or stolen shortly after they are installed. More signs have been ordered and the company will try to make sure the area is adequately posted.

The operator is concerned about the safety of the bikers who use the general area and has taken several steps to provide safety above what the law requires, including minimizing hazards around many of the old pits that they are not responsible for and working with the BLM in developing an ORV use area in the general vicinity. Many of the open pits in the general area are pre-law disturbances (before 1975) which are not under our regulatory jurisdiction. The current operator is probably not responsible for these historic disturbances.



Page 2
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February 1, 1995

In closing, the mining company possesses the proper permits to conduct its mining activities in this area. I would also like to call your attention to property ownership. Most of the mining activity in the Five-Mile Pass area is located on private ground. Please recognize that you may be trespassing on private property. The company has talked with many bikers who were not aware they were trespassing. You should obtain proper permission before trespassing on private property or restrict your riding to public lands.

If you have additional questions or concerns, please don't hesitate to write or call.

Sincerely,



Lynn Kunzler
Reclamation Specialist

dilley.let

BCC: Jerry North. Interstate Brick